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January 4, 2008

By Fax

Honorable Shira A. Scheindlin
United States District Judge
United States Courthouse
500 Pearl Street
New York, N.Y. 10007

USDC SDNY
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Re: Anderson v. State of New York, et al.
07 Civ. 9599 (SAS)

Dear Judge Scheindlin:

The purpose of this letter is to transmit to the Court a proposed scheduling order reflecting agreement between counsel on most items, with two areas of disagreement expressed in paragraph 5 of the proposed scheduling order, as well as to propose an agreed upon modification of the schedule for answer and briefing.

As reflected in the enclosed proposed scheduling order, counsel are in agreement on all items, except for the date by which the parties shall serve initial disclosures (paragraph 3) and the dates pertaining to document discovery (paragraph 3(b)). The proposals of the parties as to dates on those items are contained in paragraph five of the enclosed.

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On the schedule for the filing of an amended complaint and response thereto, the parties have agreed upon the following proposed schedule, comprising an extension of seven calendar days from the previously set schedule: filing of amended complaint by January 9, answer or motion by defendants by February 21, opposition to motion by March 21, reply as to motion by April 11.

The parties would be agreeable to the Court's signing the attached scheduling order on the basis of the faxed copy and without signature of counsel. It is requested that the Court advise as to the schedule for filing of an amended complaint and response.

Respectfully submitted,



LEE ALAN ADLERSTEIN


Assistant Attorney General

encl. a/s

cc. w/encl. a/s Tembani S. Xaba, Esq. (by fax)

The parties' request regarding the schedule for filing an amended complaint and an answer or motion is granted. Plaintiff shall file an amended complaint by Jan. 9, 2008. Defendants shall move or answer by Feb 21, 2008. Plaintiff's opposition is due by March 21 and defendants may reply by April 11, 2008.

Date: 1/7/08

ORDERED

Shira A. Scheindlin, U.S.D.J.